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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,116	09/07/2000	Anthony Edward Martinez	AUS9-2000-0405-US1	1308

7590 11/16/2004
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EXAMINER

VU, THANH T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 11/16/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/657,116

Applicant(s)

MARTINEZ, ANTHONY EDWARD

Examiner

Thanh T. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/21/2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to Amendment B, Filed 8/21/03.

Claims 1-20 are pending in this application. In the Amendment A, claims 1, 6-8, 11, and 16 were amended. This action is made Final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehikoimen et al. ("Lehikoiment", U.S. Pat. No. 6,559,872) in view of Clark et al. ("Clark", U.S. Pat. No. 5,995,101).

Per claim 1, Lehikoimen teaches a programmable apparatus for displaying secondary content, comprising: a computer (col. 2, lines 49-52); a software program for displaying a spotlight cursor having a circumference, and the computer being directed to display secondary content when said secondary content is covered by a point on said circumference (fig. 2; col. 3, lines 15-27; and col. 4, lines 5-20), but does not specifically teach the secondary content is displayed without user interaction. However, Clark teaches the secondary content is displayed without user interaction (figs 2-3; col. 1, lines 50-63; col. 2, lines 51-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the

teaching of Clark in the invention of Leikoimen because it provides users a multi-level of information without user interactions when one of the objects 120-125 of fig. 2 is under the perimeter of the selection circle.

Per claim 2, Leikoimen teaches the programmable apparatus of claim 1 wherein said circumference is visible as a solid line or a broken line or not visible (fig. 2; circle 100).

Per claim 3, Leikoimen teaches the programmable apparatus of claim 1 wherein said secondary content is one of the following: gradual, all or zone (col. 4, lines 5-20).

Per claim 4, Leikoimen teaches the programmable apparatus of claim 1 wherein the light within the circumference is of selectable and variable intensity (col. 4, lines 22-33).

Per Claim 5, Leikoimen teaches the programmable apparatus of claim 1 wherein the area inside the circumference is a pre-selectable color (fig. 2; it is inherent that the area inside the circle 100 has a color in order to provide user a visual indication of the cursor).

Per Claim 6, Leikoimen teaches a computer readable memory for causing a computer having a cursor to display secondary content comprising: a computer readable storage medium, and a program stored in said storage medium (col. 2, lines 40-53); the storage medium so configured by said program, causes the computer to display a spotlight cursor having a radius, a circumference, and a center located at the forward most point of the cursor wherein responsive to coincidence of coordinates on said circumference and said secondary content, said secondary content is displayed (fig. 2; col. 3, lines 15-27; and col. 4, lines 5-20; col. 3, lines 28-32), but does not specifically teach the secondary content is displayed without user interaction. However, Clark teaches the secondary content is displayed without user interaction (figs 2-3; col. 1, lines 50-63; col. 2, lines 51-63). Therefore, it would have been obvious to one of ordinary skill in the

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art at the time of the invention to include the teaching of Clark in the invention of Lehikoiment because it provides users a multi-level of information without user interactions when one of the objects 120-125 of fig. 2 is under the perimeter of the selection circle.

Per claim 7, Lehikoimen teaches a computer implemented process to accomplish display of secondary content upon activation by a spotlight cursor comprising: using a first program in the memory of a computer, performing the following steps; determining whether or not the user has selected the spotlight cursor (col. 4, lines 40-46); determining whether or not radius has been selected (col. 4, lines 22-33 and 50-55); obtaining the coordinates of the cursor and calculating the location of a circumference (col. 3, lines 15-25; col. 3, lines 32-40); determining whether the circumference has covered a secondary content and causing the secondary content to be displayed (col. 3, lines 32-40; col. 4, lines 5-20); using a second program in the memory of a computer, performing the following steps; displaying a menu (col. 4, lines 22-33); determining whether or not secondary contents are to be displayed, selecting the radius, and selecting intensity (col. 4, lines 5-20, and lines 22-33); selecting color for area inside the circumference, selecting color of the circumference, and selecting configuration of the circumference (fig. 2; col. 4, lines 22-32; it is inherent that the area inside the circle 100 and the perimeter of the circle 100 have a color in order to provide user a visual indication of the cursor); and determining the definition of secondary content (col. 4, lines 5-20), but does not specifically teach the secondary content is displayed without user interaction. However, Clark teaches the secondary content is displayed without user interaction (figs 2-3; col. 1, lines 50-63; col. 2, lines 51-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Clark in the invention of Lehikoiment because it provides users a multi-level of

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information without user interactions when one of the objects 120-125 of fig. 2 is under the perimeter of the selection circle.

Per claim 8, Lehto teaches a method for creating a spotlight cursor for causing secondary content to be revealed comprising: obtaining the coordinates of the cursor and calculating the location of a circumference (col. 3, lines 15-25; col. 3, lines 32-40); determining whether the circumference has covered a secondary content and responsive to a determination that the circumference has covered a secondary content, causing a secondary content to be displayed (col. 3, lines 32-40; col. 4, line 5-20), but does not specifically teach the secondary content is displayed without user interaction. However, Clark teaches the secondary content is displayed without user interaction (figs 2-3; col. 1, lines 50-63; col. 2, lines 51-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Clark in the invention of Lehto because it provides users a multi-level of information without user interactions when one of the objects 120-125 of fig. 2 is under the perimeter of the selection circle.

Per claim 9, Lehto teaches the method of claim 8 further comprising the step of determining whether or not the user has selected the spotlight cursor (col. 4, lines 40-46).

Per claim 10, Lehto teaches the method of claim 8 further comprising the step of determining whether or not the radius has been selected (col. 4, lines 50-55).

Claim 11 is rejected under the same rationale as Claim 1.

Per claim 12, Lehto teaches the method of claim 11 wherein the peripheral area is a circle (fig. 2; circle 100).

Per claim 13, Lehikoimen teaches the method of claim 11 wherein the intersection occurs on a graphical user interface (fig. 2; col. 3, lines 15-20).

Per claim 14, Lehikoimen teaches the method of claim 11 wherein the cursor is a pointer (fig. 3; col. 4, lines 34-40).

Per claim 15, Lehikoimen teaches the method of claim 11 wherein the secondary content is displayed without the cursor intersecting the item (fig. 3; col. 4, lines 34-40; col. 4, lines 5-20; col. 3, lines 28-32; the examiner infers that the cursor is the center of the selection circle).

Claim 16 is rejected under the same rationale as claim 1.

Claims 17-20 are rejected under the same rationale as claim 12-15 respectively.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (703)-308-9119. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-746-7239 for regular communications and (703)-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

T. Vu

Kristine Kincaid
KRISTINE KINCAID
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